



# 10

PATENT  
Customer No. 22,852  
Attorney Docket No. 8702.0083-00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Man Sung Co

Application No.: 09/501,102

Filed: February 9, 2000

For: Humanized Immunoglobulin  
Reactive with B7 Molecules and  
Methods of Treatment Therewith

ATTN: Office of Petitions

Group Art Unit: 1641

Examiner: Not yet assigned

RECEIVED

OCT 15 2002

OFFICE OF PETITIONS

Commissioner for Patents  
Box DAC  
Washington, DC 20231

Sir:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT**  
**ABANDONED UNINTENTIONALLY**  
**UNDER 37 CFR 1.137(b), 37 CFR 1.55(c), OR 37 CFR 1.316(c)**

The above-identified application became abandoned for failure to file a timely and proper response to the Notice to File Missing Parts mailed on April 25, 2000, which set a two month period for response for filing the basic filing fee (\$690), additional claim fees (\$5082), the declaration, and the missing parts fee (\$130). On November 21, 2000, Applicants filed a Petition for a Five-Month Extension of Time and a CPA application, in lieu of a Response.

The Office issued a Notice of Incomplete Reply on December 8, 2000, requesting payment of the basic filing fee (\$690) and the missing parts fee (\$130). Applicants paid

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

10/15/2002 AMCHAF 00000007 09501102

01 FC141

1280.00 OP

\$586 toward the basic filing fee on December 22, 2000. The Office also issued a Notice of Incomplete Reply on January 12, 2001, indicating that a proper declaration was missing. No response was filed.

The abandonment date of this application is November 26, 2000 (i.e., the day after the expiration date of the period set for response for the original Notice to File Missing Parts, with the five extensions of time paid for on November 21, 2000).

Applicants hereby petition for revival of this application. As the application's filing requirements were not met, Applicants do not believe that the CPA application was properly filed. Applicants would like to pursue only the revived application and enclose the following items:

1. Petition fee of \$1240 (37 C.F.R. 1.17(m))
2. Proposed response and/or fee

The proposed response and/or fee to the above-noted Office action in the form of a Response to Notice to File Missing Parts and Declaration is enclosed with this Petition. Applicants enclose the remaining portion of the basic filing fee of \$104 (\$690-586), the missing parts fee (\$130), and a Preliminary Amendment canceling claims 1-142 and adding new claims 143-160. The application now contains 18 total claims and 5 independent claims. Applicants also enclose the fee of \$168.00 for two additional independent claims in excess of three.

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

3. Verified statement

The delay caused by the abandonment of the application was unintentional.

Applicants believe a portion of the delay was due to misdirection of the second Notice of Incomplete Reply.

This application was originally filed by Hamilton, Brook, Smith & Reynolds, P.C., and then prosecution was later transferred to Lahive & Cockfield, LLP. On September 11, 2000, Hamilton filed a change of correspondence address request with the PTO, requesting that all correspondence be sent to Lahive. On November 21, 2000, Lahive filed a copy of this request with the PTO. Third, and finally, on December 22, 2000, after the first Notice of Incomplete Reply was sent to Hamilton, Lahive filed another change of correspondence address request.

The second Notice of Incomplete Reply, however, was also misdirected to Hamilton, and appears not to have been forwarded from that firm to Lahive as it was not in the file the undersigned representatives received, nor did Lahive respond to the Notice. The undersigned representatives did not become aware of the second Notice of Incomplete Reply until after the Notice of Abandonment was received and the representative telephoned the PTO to inquire as to the reasons for abandonment.

Thus, the abandonment, and the delay caused by the abandonment, were both unintentional.

4. The total fees enclosed along with this petition amount to \$1642.00.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

If there are any other fees due in connection with the filing of this response, including any fees required for an extension of time under 37 CFR § 1.136, such an extension is requested, and the Commissioner is authorized to charge any related fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 10, 2002

By: E. Stewart Mittler  
E. Stewart Mittler  
Reg. No. 50,316

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com